

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 7970 of 1988****For Approval and Signature:****HONOURABLE MR.JUSTICE M.R. SHAH**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - Whether this case involves a substantial question of law as to the interpretation of the
 - 4 constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?
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TIRATHSINH B VALA & 2 - Petitioner(s)
Versus
BHAVANAGAR DIT PANCHAYAT & 2 - Respondent(s)

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Appearance :

UNSERVED-EXPIRED (N) for Petitioner(s) : 1,MR MK VAKHARIA for
Petitioner(s) : 2 - 3.
MR KH BAXI for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,
None for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH**Date : 26/09/2005****ORAL JUDGMENT**

In this petition under Article 226/227 of the Constitution of India the petitioners have challenged the legality and validity of the decision of the Bhavnagar District Panchayat in rejecting the application of the petitioner for grant of Non-Agricultural Use permission vide order dated

27.9.1988. It appears that the said application was rejected pursuant to the order passed by this Court dated 15.7.1986 in Special Civil Application No. 3458 of 1986.

2. When this Court admitted the present Special Civil Application by order dated 20th April 1989 the petitioners were directed not to use the land for N.A. Purpose. It is reported that against the aforesaid direction the petitioners preferred Letters Patent Appeal before the Division Bench of this Court and the same came to be dismissed. This is a matter of 1988 and the application for N.A. Use Permission was rejected in 1988. Thereafter, the Special Civil Application, upon which reliance was placed, must have been disposed of. In the facts and circumstances, the present Special Civil Application is disposed of with a liberty to the petitioners to move an appropriate application afresh for N.A. Use Permission if the petitioners are interested in getting the N.A. Use Permission or if in the meantime the N.A. Use Permission was not obtained and the same may be considered by the competent authority. With this observation and direction, the present Special Civil Application is disposed of. Rule is discharged.

Rmr .

[M.R. Shah, J.]